

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APRIL NICOLE SALAMANCA;
a/k/a April Broderick; a/k/a
April Troutman,

Defendant.

No. 13-CR-4033-DEO

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

Before the Court is Magistrate Judge Leonard T. Strand's Report and Recommendation Concerning Guilty Plea (Docket No. 106, 12/30/2013).

On April 17, 2013, a three count Indictment with Forfeiture Allegation¹ (Docket No. 1) was filed in the above-referenced case. Only Counts one and two relate to Defendant Salamanca. On December 30, 2013, Defendant April Nicole Salamanca entered a guilty plea to Count 1 of the Indictment before United States Magistrate Judge Leonard T. Strand.

Count 1 of the Indictment charges that from about January 2013, and continuing through about April 12, 2013, in the

¹ The Forfeiture Allegation related to co-defendant, not Defendant April Nicole Salamanca.

Northern District of Iowa and elsewhere, defendant April Nicole Salamanca, a/k/a April Broderick, a/k/a April Troutman, and a co-defendant, did knowingly and unlawfully combine, conspire, confederate, and agree with each other and with other persons, known and unknown to the Grand Jury, to distribute 500 grams or [more of] a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, or 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(A).

This was in violation of Title 21, United States Code, Sections 846 and 851.

The Report and Recommendation (Docket No. 106), states that there is a plea agreement (filed under seal at Docket No. 105, marked "Exhibit 1") and recommends that defendant April Nicole Salamanca's guilty plea be accepted. Waivers of objections to Judge Strand's Report and Recommendation were filed by each party (Docket Nos. 107 and 108). The Court, therefore, undertakes the necessary review to accept defendant April Nicole Salamanca's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

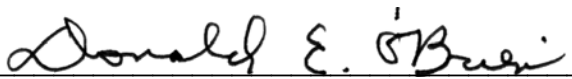
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Magistrate Judge Strand's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Magistrate Judge Strand's Report and Recommendation (Docket No. 106), and accepts defendant April Nicole Salamanca's plea of guilty in this case to Count 1 of the Indictment (Docket No. 1).

IT IS SO ORDERED this 20th day of February, 2014.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa